



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

2 September 2009

RUS103141.E

Russia: Situation and treatment of homosexuals; legislation, state protection and support services
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Human rights organizations and media sources indicate that homophobia and discrimination against homosexuals is prevalent in Russia (MHG/Russian LGBT Network 5 Apr. 2009, Introductory Section; *St. Petersburg Times* 27 Mar. 2009; *Guardian* 19 May 2009; *The Independent* 9 May 2009). The Moscow Helsinki Group (MHG), a human rights organization founded in 1976, and the Russian Lesbian, Gay, Bisexual and Transsexual Network (Russian LGBT Network), a group established in 2006 with 13 regional offices, report that in a survey of 564 people from six regions of Russia, half of whom identified as homosexual, 56.3 percent of gay, lesbian and bisexual respondents reported that they had experienced "discrimination" because of their sexual orientation or gender identity (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.1).

MHG/Russian LGBT Network reports that in a December 2007 survey of 3,800 gay and bisexual males conducted by Qguys.ru, a Russian website for gay men, 27.17 percent of respondents had experienced physical violence as a result of their sexual orientation and 37.12 percent had been subject to "other types of psychological pressure," such as threats or blackmail (ibid., Sec. 3.2).

MHG/Russian LGBT Network provides details on five cases which occurred in Yekaterinburg, Shabrovsk, Omsk, Vladivostok and Tyumen between 2006 - 2008, where the victims were murdered because of their perceived sexual orientation, as well as several cases of assault, battery and harassment (ibid.). According to the report, some attackers purposefully contact homosexuals through the internet, gay clubs, or the common meeting place of a city, before carrying out attacks (ibid.). Gay rights activists and those who have taken cases to court have also been the target of violence (ibid.). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2008* and Human Rights First, an international non-profit, non-partisan organization based in the US (Human Rights First n.d.), report that homosexuals were targets of violence in 2008 and that one man was killed in March 2008 in the Sverdlovsk Oblast, reportedly because of his perceived sexual orientation (US 25 Feb. 2009, Sec. 5; Human Rights First 2008b).

Sources report cases where individuals were fired from their jobs or were refused employment because of their sexual orientation (*The Independent* 9 May 2009; MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.6; US 25 Feb. 2009, Sec. 5). According to a survey conducted by Qguys.ru, 78.6 percent of gay men surveyed hide their sexual orientation from their employers and colleagues (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.6).

Several government officials and religious figures in Russia have made negative statements towards homosexuals (AP 4 Dec. 2008; HRW/ILGA Europe June 2007, 2; MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.5; RFE/RL 16 May 2009). For example, Moscow mayor Yuri Luzhkov described homosexuality as "satanic" (AP 4 Dec. 2008; Canadian Press 16 May 2009; *St. Petersburg Times* 19 Sept. 2008; HRW/ILGA Europe June 2007, 2), and Tambov governor Oleg Betin reportedly stated, "Faggots should be torn apart. And their pieces should be thrown to the wind" (Project Gay Russia 29 July 2008; ibid. 15 Nov. 2008; MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.3). When he was president, Vladimir Putin linked the issue of rights for "sexual minorities" with the problem of low population growth in the country (RIA Novosti 1 Feb. 2007; *The Independent* 9 May 2009; HRW/ILGA Europe June 2007, 2).

The chairman of the Central Muslim Spiritual Board of Russia, Talgat Tadjuddin, reportedly stated that homosexuals "must be just beaten" (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.3) and the late Patriarch Akeksi II (also known as Alexy II) of the Russian Orthodox Church compared homosexual acts with kleptomania (RFE/RL 16 May 2009; Catholic Exchange 4 Oct. 2007).

Sources report that annual unsanctioned Gay Pride parades in Moscow from 2006-2009, were met with

violent anti-gay counter-protestors (Human Rights First 2008a; HRW/ILGA Europe June 2007, 1), including Orthodox Christians (ENI 20 May 2009; *The Independent* 9 May 2009; HRW/ILGA Europe June 2007, 3), nationalists (Canadian Press 16 May 2009; RFE/RL 16 May 2009; HRW/ILGA Europe June 2007, 1), neo-fascists (Reuters 1 June 2008), and skinheads (*The Independent* 9 May 2009). However, according to the St. Petersburg LGBT organization *Kriliya* (Wings), a gay pride parade in St. Petersburg in 2006 was permitted by city authorities and occurred peacefully (Kriliya n.d.).

Legislation

Homosexuality was decriminalized in 1993 (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 2.2.2; Canadian Press 16 May 2009; Reuters 4 Dec. 2008; AFP 1 June 2008). However, Russian legislation does not expressly prohibit discrimination based on sexual orientation (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 2.2.1; Globalgayz n.d.) nor are homophobic crimes considered aggravating circumstances in Russia's Criminal Code (Russia 13 June 1996, Art. 63; MHG/Russian LGBT Network 5 Apr. 2009, Sec. 2.2.2; US 25 Feb. 2009, Sec. 5).

MHG/Russian LGBT Network indicates that some politicians have proposed amendments to the Criminal Code to criminalize "propaganda of homosexual relations," but the draft laws have not been adopted (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 2.2.2). Project Gay Russia, a member organization of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe, reports that a bill proposed in 2007 to deny those who "openly demonstrated a homosexual way of life and a homosexual orientation" from holding posts in educational institutions or the army was defeated in 2009; it received 90 votes but needed 226 to pass (Project Gay Russia 10 May 2009).

Human rights groups report that the Ryazan oblast passed a law in May 2006 which bans "public actions aimed at the propaganda of homosexuality (sodomy and lesbianism) among . . . minors" (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.5; HRW/ILGA Europe June 2007, 14). Two gay rights activists who held demonstrations against homophobia in March 2009 were found guilty of "popularizing homosexuality among minors" in Ryazan and were fined 1,500 rubles (approximately 34 Euros) each (Interfax 6 Apr. 2009; *The Independent* 9 May 2009).

Article 282 of Russia's Criminal Code prohibits:

[a]ctions aimed at the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group, if these acts have been committed in public or with the use of mass media (Russia 13 June 1996).

However, when gay rights activists filed complaints against Tambov governor Oleg Betin under this article, the prosecution office refused to open a criminal case claiming that Betin's statements were not "abusive" and that homosexuals were not a "social group" and therefore not protected against incitement of hatred (Project Gay Russia 29 July 2008; MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.3). Similar attempts to file criminal charges against Talgat Tadjuddin under article 282 in 2007 were also unsuccessful (ibid.).

State protection

MHG/Russian LGBT Network report that many victims of hate crimes do not report the crimes to the police, prosecutor's office or court because they fear homophobia on the part of the authorities (ibid., Sec. 3.2, Sec. 3.3). MHG/Russian LGBT Network provides details on cases where the police did not take adequate measures to protect homosexuals against attacks from extremists and used private information to intimidate homosexuals (5 Apr. 2009, Sec. 3.3, Sec. 3.4). *Country Reports 2008* similarly notes that aggression towards gay men was "often met with police indifference" (US 25 Feb. 2009, Sec. 5).

MHG/Russian LGBT Network provides details on police raids of three gay night clubs in Russia in 2008 where patrons were detained, kicked, insulted and/or threatened (MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.3). The *St. Petersburg Times*, an English-language newspaper, reports that the police were "abusive and threatening" and attempted to blackmail patrons of the gay club Central Station after raiding the club and detaining customers at the police station without explanation in September 2008 (19 Sept. 2008).

In October 2008, St. Petersburg's first lesbian and gay film festival, Side by Side, had to be held in private after fire inspectors closed the two venues originally booked to screen the films (*St. Petersburg Times* 27 March 2009).

On 16 May 2009, riot police broke up an attempted gay pride parade in Moscow (ibid. 19 May 2009;

Canadian Press 16 May 2009); some activists report that the police used excessive force (*Guardian* 19 May 2009; Interfax 18 May 2009; RFE/RL 16 May 2009). According to the Moscow police spokesperson, 40 people were detained (The Canadian Press 16 May 2009; *The New York Times* 17 May 2009; RFE/RL 16 May 2009) although some media sources report as many as 80 people (The Canadian Press 16 May 2009; RFE/RL 16 May 2009). Media sources report that, along with gay activists, nationalist and/or religious counter protesters were also detained by the police (Canadian Press 16 May 2009; ENI 20 May 2009; RFE/RL 16 May 2009).

Human rights groups report that participants in gay rights parades in 2006 and 2007 in Moscow received poor police protection from violent counter-protestors (Human Rights First 2008b; AI Feb. 2008, 36-37; HRW/ILGA Europe June 2007, 1).

Media sources report that Russian gay rights activists have filed complaints with the European Court of Human Rights (ECHR) regarding the ban against holding a gay pride parade in Moscow in 2008 (Interfax 9 Feb. 2009; *ibid.* 11 Mar. 2009; RIA Novosti 1 Oct. 2008). Organizers applied for a permit to hold the parade a total of 155 times, five times for each day of May, but were turned down by authorities (*ibid.*). Russian gay rights activists have also sent appeals to the ECHR for bans on the gay pride parades in 2006 and 2007, and for bans on three pickets in 2007 (*ibid.*).

According to an article published on the gay.ru website, Vladimir Lukin, the Russian ombudsman, met with representatives of the Russian LGBT Network in July 2009 and stated that his office would defend the human rights of homosexuals (Gay.ru 20 July 2009).

Support Services

There are several organizations offering support services to the LGBT community in Russia. The inter-regional Russian LGBT Network provides legal and psychological assistance, monitors violations of human rights, and aims at eliminating discrimination based on sexual orientation and gender identity (MHG/Russian LGBT Network 5 Apr. 2009, Introductory Section). It was formed in 2006 and has regional offices in St. Petersburg, Tyumen, Pskov, Tomsk, Kemerovo, Omsk, Arkhangelsk, Perm, Volgograd, Khabarovsk and Krasnoyarsk Krai, the Republic of Karelia and Tatarstan (*ibid.*). In 3 August 2009 correspondence with the Research Directorate, a representative from Project Gay Russia stated that many of the LGBT organizations in Russia are not registered and are composed of only a few people.

The LGBT Center "Together" in Moscow, a non-profit public organization, operates a free telephone hotline for gay and bisexual men, provides counselling and self-help groups, maintains two websites and publishes two national periodicals for the gay and lesbian community (Gay.ru n.d.).

In 1 August 2009 correspondence with the Research Directorate, a representative from the St. Petersburg *Kriliya* (Wings) LGBT Center Administrative Board stated that their organization provides counselling and support through e-mail, through their 24-hour office telephone line, or personally.

The Project Gay Russia Representative did not have any knowledge of formal shelter services for LGBT individuals experiencing threats or harassment and noted that help for LGBT victims to relocate to other parts of Russia might be possible only through "individual initiatives" (Project Gay Russia 3 Aug. 2009). According to the *Kriliya* Representative, some *Kriliya* members have provided voluntary shelter to LGBT individuals fleeing from the Muslim republics of the Russian Federation and have helped homosexuals who experienced threats or harassment to relocate in cases of emergency (*Kriliya* 1 Aug. 2009).

Neither Project Gay Russia nor *Kriliya* receive funding from the Russian government (Project Gay Russia 3 Aug. 2009; *Kriliya* 1 Aug. 2009). However, according to the *Kriliya* Representative, the Russian LGBT network received a grant from the European Commission through ILGA-Europe (*ibid.*)

Human rights groups report that *Raduzhnii Dom* (Rainbow House) in Tyumen, Siberia, an organization promoting rights of LGBT individuals, was denied registration as a non-governmental organization (NGO) in December 2006; the reasons given were that the organization's objectives undermined the spiritual values of Russian society, and that the organization was a "threat to state security" because of the possibility of population reduction (AI Feb. 2008, 19; HRW/ILGA Europe June 2007, 14; MHG/Russian LGBT Network 5 Apr. 2009, Sec. 3.7). Further attempts to register the organization or fight the decision in court were unsuccessful in 2007 and 2008 (*ibid.*). MHG/Russian LGBT Network reports that Favourite, an LGBT organization in Omsk, was also denied registration as an NGO in 2007 (*ibid.*). According to the Representative from Project Gay Russia, it is "extremely difficult" for an LGBT organization to register as an NGO in Russia if it mentions advocating for gay rights in the documentation provided to authorities (Project Gay Russia 3 Aug. 2009). However, ILGA-Europe reports that Coming Out, an LGBT organization in St. Petersburg, was officially registered by the Russian government; it was reportedly the first time that an organization which openly declared its goal of advocating for the LGBT community was registered on the first attempt without court intervention (ILGA Europe 16 Feb.

2009).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Agence France-Presse (AFP). 1 June 2008. Olga Rotenberg. "Russian Gays Defy Ban, More Arrests at Moscow Protests." (Factiva)

Amnesty International (AI). February 2008. *Russian Federation: Freedom Limited - the Right to Freedom of Expression in Russia*. (EUR 46/008/2008).
<<http://www.amnesty.org/en/library/asset/EUR46/008/2008/en/c9539ec6-3848-4f5e-a07e-89bafac1152c/eur460082008eng.pdf>> [Accessed 27 May 2009]

Associated Press (AP). 4 December 2008. "Moscow Mayor: Ban on Gay Parades to Continue." (Factiva)

The Canadian Press. 16 May 2009. David Nowak. "Gay Pride Activists Demonstrate in Moscow, Scores Arrested by Police." (Factiva)

Catholic Exchange. 4 October 2007. John-Henry Westen. "Russian Orthodox Patriarch Explains Stand on Homosexuality to Council of Europe." *Faith and Morals*.
<<http://catholicexchange.com/2007/10/04/82576/print/>> [Accessed 9 July 2009]

Ecumenical News International (ENI). 20 May 2009. Sophia Kishkovsky. "Orthodox Activists Protest Against Gay Rights Rally in Moscow." <<http://www.eni.ch/featured/article.php?id=3023>> [Accessed 8 July 2009]

Gay.ru. 20 July 2009. "Vladimir Lukin - Russian Ombudsman - Met Gay Activists."
<<http://english.gay.ru/news/rainbow/2009/07/20-15974>> [Accessed 30 July 2009]

_____. N.d. "All Our Projects." <<http://english.gay.ru/about/together/projects.html>> [Accessed 30 July 2009]

Globalgayz. N.d. "Russia." <<http://globalgayz.com/country/Russia/RUS>> [Accessed 30 July 2009]

Guardian [Manchester]. 19 May 2009. Peter Tatchell. "Thank You Mayor Luzhkov." (Factiva)

Human Rights First. 2008a. "Violent Hate Crime in the Russian Federation."
<<http://www.humanrightsfirst.org/pdf/080908-FD-individual-upr-russian-fed.pdf>> [Accessed 30 July 2009]

_____. 2008b. "2008 Hate Crime Survey: Russia."
<<http://www.humanrightsfirst.org/discrimination/reports.aspx?s=russia&p=violentattack>> [Accessed 22 May 2009]

_____. N.d. "Human Rights First Charter." <http://www.humanrightsfirst.org/about_us/charter.aspx> [Accessed 30 July 2009]

Human Rights Watch (HRW)/European Region of the International Lesbian and Gay Association (ILGA Europe). June 2007. *"We Have the Upper Hand": Freedom of Assembly in Russia and the Human Rights of Lesbian, Gay, Bisexual, and Transgender People*. <<http://www.hrw.org/legacy/backgrounders/lgbt/moscow0607/moscow0607web.pdf>> [Accessed 27 May 2009]

The Independent [London]. 9 May 2009. Shaun Walker. "Kitsch Song Contest is Russian Gays' Secret Weapon Against Hatred." (Factiva)

Interfax. 18 May 2009. "Human Rights Activists Find Use of Force Against Moscow Gay Parade Disproportionate." (Factiva)

_____. 6 April 2009. "Ryazan Court Finds Gay Activists Guilty of Popularizing Homosexuality."
<<http://www.GayRussia.ru/en/inf/detail.php?ID=13249>> [Accessed 2 June 2009]

_____. 11 March 2009. "Organizers of Moscow Gay Parade Complain to Strasbourg Court, Demand 1.7 Mln Euro

in Damages." (Factiva)

_____. 9 February 2009. "Russian Sexual Minorities Complain to Strasbourg Court." (Factiva)

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe. 16 February 2009. "Important Victory for the Russian LGBT Activists." <http://www.ilga-europe.org/europe/guide/country_by_country/russia/important_victory_for_the-Russian_lgbt_activists> [Accessed 7 July 2009]

Kriliya (Wing) LGBT Human Rights Center. 1 August 2009. Correspondence with representative.

_____. N.d. "Gay Pride in St. Petersburg." <<http://www.kralija.sp.ru/en/publications1.html>> [Accessed 31 July 2009]

Moscow Helsinki Group (MHG)/Russian Lesbian, Gay, Bisexual and Transgender Network (Russian LGBT Network). 5 April 2009. *Discrimination Based on Sexual Orientation and Gender Identity in Russia*. <<http://www.lgbtnet.ru/news/detail.php?ID=4336>> [Accessed 7 July 2009]

The New York Times. 17 May 2009. Michael Schwartz. "Moscow Police Crush Gay Rights Rally." (Factiva)

Project Gay Russia. 3 August 2009. Correspondence with a representative.

_____. 10 May 2009. "Bill Criminalizing Gay Propaganda Rejected by Russian Parliament." <<http://www.GayRussia.ru/en/homophobia/detail.php?ID=13425>> [Accessed 2 June 2009]

_____. 15 November 2008. "Tambov Appeals Court Dismissed Criminal Proceedings Against the Homophobic Governor Oleg Betin." <<http://www.GayRussia.ru/en/homophobia/detail.php?ID=12451>> [Accessed 2 June 2009]

_____. 29 July 2008. "Homophobic Governor of Russian Region Will Not Face Criminal Prosecution." <<http://www.GayRussia.ru/en/homophobia/detail.php?ID=11852>> [Accessed 2 June 2009]

Radio Free Europe/Radio Liberty (RFE/RL). 16 May 2009. "Russian Riot Police Break Up Gay Rally." <<http://www.rferl.org/articleprintview/1732939.html>> [Accessed 26 May 2009]

Reuters. 4 December 2008. "Moscow's Mayor Links Gays to Spread of AIDS." (Factiva)

_____. 1 June 2008. "Russian Gays, Lesbians Protest Against Homophobia." (Factiva)

Russia. 13 June 1996 (amended 28 December 2004). The Criminal Code of the Russian Federation. (legislation line) <<http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm>> [Accessed 31 July 2009]

Russian News and Information Agency (RIA Novosti). 1 October 2008. "Russian Gay Community to Contest Moscow Parade Ban in Strasbourg." (Factiva)

_____. 1 February 2007. "Putin Signals Support for Luzhkov's Gay Parade Ban." <<http://en.rian.ru/russia/20070201/60045003.html>> [Accessed 8 July 2009]

The St. Petersburg Times. 19 May 2009. Anna Malpas. "Police Forcefully Break Up Gay Rights Protest." <http://www.sptimes.ru/index.php?action_id=100&story_id=29033> [Accessed 7 July 2009]

_____. 27 March 2009. Sergey Chernov. "Debates Reflect Anti-Gay Feeling." <http://www.sptimes.ru/index.php?action_id=100&story_id=28602> [Accessed 7 July 2009]

_____. 19 September 2008. Sergey Chernov and Matt Brown. "Police Raid Nightclub, Detain Dozens, No Reasons Given." (Factiva)

United States (US). 25 February 2009. Department of State. "Russia." *Country Reports on Human Rights Practices for 2008*. <<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119101.htm>> [Accessed 29 July 2009]

Additional Sources Consulted

Internet Sites, including: European Country of Origin Information Network (ecoi.net), Freedom House, Human Rights House Network, International Gay and Lesbian Human Rights Commission (IGLHRC), The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Office of the United Nations High Commissioner for Refugees (UNHCR) RefWorld, Russian Ombudsman (ombudsman.gov.ru).

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.